

DIGEST

(cont'd):

unforeseeable situations requiring immediate action by the governmental body." Two hours notice of such meetings would have been required.

GOVERNOR'S REASONS FOR VETO:

The state should not allow any person to file suit against a governing body. Only "interested" persons should be granted this privilege. Innocent third parties who are awarded government contracts could be harmed if such actions were suddenly reversed or voided. The bill makes no provision for appropriations to governmental bodies to pay attorney fees. The bill would only encourage litigation, add to already overcrowded court dockets, and unnecessarily hamstring governmental bodies all over the state. In addition, endless court actions against governmental bodies would discourage citizens from serving in volunteer posts. Present law provides sufficient protection for the public's right to know what governing bodies are doing.

SPONSOR'S VIEW:

Rep. Adkisson called Governor Clements' reasons for vetoing this bill "pure poppycock." He said the Governor exaggerated the possibilities of what could happen under the present law and applied them as reasons against HB 1555. The capacity for anyone to sue is already there. Citizens in volunteer governmental posts are already subject to suits. Open government is important. Any taxpayer who disapproves of a governmental action should be able to file suit without having to prove direct interest. "Emergency" should be clearly defined so that the public has adequate notice of meetings. Minutes of meetings should be available for public inspection. This discourages political favors and questionable actions. Public business should be conducted in public.

NOTES:

Last session, Governor Clements vetoed a similar bill, SB 1025, because it made no provision for appropriations to governmental bodies to pay attorney fees and other costs of litigation.

Expired motor vehicle registration (HB 1616 by Barrientos)

DIGEST:

Under this bill a person would not have been guilty of expired registration of a motor vehicle until after the fifth day after the expiration date.

GOVERNOR'S
REASONS
FOR VETO:

Renewal notices are mailed out six weeks before the expiration date of tags, and this is ample time. If this bill became effective, law officers would have to ignore law enforcement the first five days of each month. Just because the Legislature granted a five-day delay for enforcement of safety inspection stickers, there is no reason to compound the error by enacting this bill.

SPONSOR'S
VIEW:

Rep. Barrientos called this veto an example of "Republican insensitivity." It is based on political considerations rather than on the needs of the people of Texas. It is not true that people get adequate notice for renewal. Many offices do send out notices six weeks ahead, but it is not required by law. This bill would have relieved citizens of an undue burden.

Alternate punishment for misdemeanors
(HB 1657 by G. Hill)

DIGEST: This bill would have allowed certain alternative punishments for persons found guilty of certain misdemeanors that are punishable by fine only. A judge could have suspended the fine and directed the defendant to post a bond for the fine, pay restitution to the victim (but not more than the fine), submit to professional counseling, and comply with any other reasonable condition.

GOVERNOR'S
REASONS
FOR VETO:

The identical Senate bill (SB 914) has already been passed and signed into law.

SPONSOR'S
VIEW:

The sponsor has no objections to the veto.

NOTES:

For more information, see the HSG Daily Floor Report of May 12, 1981.

Extending deed restrictions
(HB 1705 by Colbert)

DIGEST: HB 1705 would have provided a procedure for extending or reinstating deed restrictions on land use in subdivisions located in cities without a comprehensive zoning ordinance. Property owners could petition to extend or reinstate a restriction, and those property owners who did not sign the petition would have the opportunity to opt out of any extended or reinstated restriction.